THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.19911 of 2005

26.9.2005

Between:

Poturu Shankar Reddy, S/o.Ganga Reddy, Agriculture,

Noothpally village, Nandipet Mandal, Nizamabad District.

… Petitioner

AND

1. The District Collector (Panchayat Wing), Nizamabad District,

Nizamabad.

And others.

… Respondents

ORDER:

The petitioner purchased house bearing No.2-54 at Noothpally village of Nandipet Mandal in Nizamabad District under an unregistered sale deed dated 24.12.2001 from the fourth respondent. It appears that the fourth respondent herself made an application to the third respondent for mutation of the name of the petitioner in the property tax registers, which was accordingly done by order dated 26.12.2001. The petitioner alleged that when there was interference by the fourth respondent and her sons, he filed a suit being O.S.No.71 of 2005 on the file of the Court of Junior Civil Judge, Armoor and also filed an application for interim injunction. In the meanwhile, it appears that the fourth respondent submitted an application before the District Panchayat Officer, Nizamabad – the second respondent herein, alleging that the name of the petitioner is wrongly entered in the Gram Panchayat records. Thereupon, the second respondent by impugned proceedings dated 24.8.2005 remanded the matter to the third respondent for fresh consideration, after issuing notice to the petitioner and fourth respondent.

The learned Counsel for the petitioner, Sri V.Venkata Mayur, submits that the second respondent did not issue any notice to the petitioner before setting aside the mutation in favour of the petitioner. Therefore, the learned Assistant Government Pleader was directed to produce necessary records before this Court. The record has been produced before this Court, which would show that on 11.8.2005 vide Roc.No.24/2005-B8(Pts), the Office of the second respondent issued a notice to the fourth respondent intimating the date of hearing and also requesting the petitioner whose name is mentioned in the address entry to attend hearing on 22.8.2005. The impugned order itself refers to the notice. Therefore, it is not possible to accept the submission of the learned Counsel for the petitioner. If so advised, the petitioner may

approach the third respondent of Panchayat Secretary and produce necessary proof. As and when the petitioner appears, the Panchayat Secretary/third respondent shall consider his case and pass appropriate orders with regard to mutation of his name in the Panchayat records.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO,J**)

September 26, 2005.

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